IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HONOURBALE SRI JUSTICE N.V.RAMANA

W.P. No. 15326 OF 2005

Dated : February 22, 2006

Between:

M.Bhoopal Reddy

Petitioner

AND

The APSRTC, Musheerabad, Hyderabad,

Rep. by its Managing Director and two others.

Respondents

THE HONOURBALE SRI JUSTICE N.V. RAMANA

W.P. No. 15326 OF 2005

ORAL ORDER:

The petitioner herein seeks a writ of mandamus declaring the inaction on the part of the respondents 1 and 2 in not considering the petitioner's representation dated 5.9.2000 submitted in the light of

Circular No. P.D.43/200 dated 11.8.2000, for the post of driver, on par with similarly situated employees, as unjust illegal and violation of Article 14, 16 and 21 of the Constitution of India.

The petitioner joined the respondent Corporation as Driver on 17.3.1988 after undergoing due process of selection and his services were gularised w.e.f. 1.10.1988 and removed from service with effect from 16.1.1997 by order of the third respondent, on the allegation that he obtained the employment by producing fake driving licence. Aggrieved of the same, the petitioner raised I.D. No. 130 of 1997 and the Labour Court-I, Hyderabad, by an award dated 26.11.1999 upheld the order of removal. Assailing the same, the petitioner herein filed W.P. No. 6689 of 2001, which is pending before this court. While the matters stood thus, the respondents issued Circular P.D.43/200 dated 11.8.2000 so as to provide employment to such of those drivers who were removed from service for producing fake licences and directing them to obtain fresh driving licences and produce them before the 2nd respondent herein. In pursuance to the said circular, the 2nd respondent issued letter to the petitioner instructing him to submit an application. Accordingly, the petitioner submitted a representation dated 5.9.2000 enclosing fresh driving licence obtained by him from RTO, Bhadurpura, Hyderabad, on 17.10.1997. Thereafter the petitioner submitted two more representations, but to no avail. However, the petitioner was engaged on 5.7.2005, during the strike period and disengaged on its call off. It is the case of the petitioner that though he fulfills the conditions enumerated in the circular, the respondents did not take him into service, but similarly placed employees were taken, adopting pick and chose method. The learned counsel for the petitioner further contends that in view of the pendency of this writ petition, his case was not considered.

The respondents did not chose to file any counter. The learned Standing Counsel for the respondents has no objection, if the case of the petitioner is considered in the light of the circular.

It is not in dispute that the respondents have taken a policy decision

to engage the drivers who were removed from service on production of fake licences and issued the circular P.D.43/200 dated 11.8.2000. It is the case of the petitioner that after removal, he obtained a fresh driving licence dated17.10.1997 and submitted a representation for consideration in the light of the said Circular. The petitioner further contends that similarly placed employees were taken back into service by the respondents, and because of the pendency of this writ petition, his case was not considered.

Be that is so, pendency of writ petition by itself is not a disqualification for consideration of the candidature for appointment as Driver more particularly when the cases of other employees, similarly placed, were considered. Therefore, the respondent No.2 is directed to consider the case of the petitioner in the light of Circular No. P.D.43/200 dated 11.8.2000 and pass appropriate orders within a period of two months from the date of copy of this order.

With this direction, the writ petition is disposed of. No order as to costs.

N.V.RAMANA, J.

February 22, 2006

MAS.